

CITY OF SULPHUR SPRINGS, TEXAS

**REGULAR MEETING OF THE
CITY COUNCIL**

JUNE 6, 2017

7:00 p.m.

Mayor Emily Glass called the regular meeting of the Sulphur Springs City Council to order at 7:00 p.m. The following council members and staff were present:

Mayor Emily Glass
Mayor Pro Tem Clay Walker
Councilman Craig Johnson
Councilman Oscar Aguilar
Councilwoman Kayla Price-Mitchell
Councilman John Sellers
Councilman Elect Dan Froneberger

Absent: Councilman Freddie Taylor

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Russ Nuss, Public Works Director
Tory Niewiadomski, Community Development Director
Hope Cain, Director Library Services
Gordon Frazier, Director Human Resources
Roger Feagley, Economic Development Executive Director
Donny Gaddis, SSPD
Jim McLeroy, City Attorney
Jonathan Newsom, Acting City Attorney

PLEDGE AND INVOCATION

Mayor Emily Glass led in the pledge of allegiance to the United States Flag, the Pledge to the Texas Flag, and the invocation.

**DISCUSSION/ACTION ON CANVASS OF THE JUNE 3, 2017 CITY COUNCIL
RUN-OFF ELECTION FOR PLACE 6**

The tally sheet was presented to the Mayor and City Council. The results are as follows:

City Council Place 6

	Early Votes	Election Day	Total
Brad Burgin	112	63	176
Dan Froneberger	161	82	273

Councilwoman Kayla Price-Mitchell moved to approve the canvass of returns and declared Dan Froneberger the winner of Place 6 by a majority of 61%. Councilman Sellers seconded the motion and the vote was unanimous.

The motion carried.

OATHS OF OFFICE WILL BE GIVEN TO COUNCILMAN JOHN SELLERS AND NEWLY ELECTED COUNCILMAN DAN FRONEBERGER

City Secretary Gale Roberts administered the Oath of Office to Councilman John Sellers and newly elected Councilman Dan Froneberger.

PRESENTATIONS, ANNOUNCEMENTS AND PROCLAMATIONS

Mayor Glass reminded everyone the Independence Day event would occur July 1, the Saturday before July 4th on the plaza.

Mayor Glass thanked Kayla Price-Mitchell for her hours of dedication, service and leadership to the City of Sulphur Springs. She added that she was thankful to have followed in Kayla's footsteps and to learn from her. Mayor Glass then presented outgoing councilwoman Kayla Price-Mitchell with a framed drawing of City Hall created by local artist Mike Elliott. The City Council, City Manager, City Attorney and City Secretary had signed their sentiments on the mat surrounding the drawing. She and her husband, Michael, were very appreciative and she stated she had enjoyed serving the community.

DISCUSSION/ACTION ON SELECTION OF MAYOR

Councilman Johnson moved to nominate John Sellers as Mayor. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

Exiting Mayor Glass thanked her family including her parents and especially her husband and her children for allowing mommy to come home many nights after bedtime.

She stated it had been an honor to serve in the capacity as Mayor and feels as though she has learned so much more about the City of Sulphur Springs. She thanked the citizens of Sulphur Springs for allowing her to serve as their mayor and presented her husband, Garrett, with a rose.

Newly appointed Mayor John Sellers presented outgoing Mayor Glass with an engraved gavel and striking block in its own walnut presentation box for her hard work and efforts as Mayor of the City of Sulphur Springs, Texas.

Mayor Sellers stated that he is greatly humbled to be elected to a third term to City Council and appointed as Mayor. Serving as City Councilman and Mayor to the City of Sulphur Springs is an honor. Though he is only one of seven vital members, together he hopes for the wisdom for the City Council to make good decisions for our fair city. The city has come a long way in the past few years and he looks forward with great anticipation for what the future may hold for this great city. Let us all hope for great things to come to this city and city council. He thanked Gale Roberts and Marc Maxwell for their excellent service to the city, helping the city council in so many ways. So, here's to a great next three years!

At this time Mayor Sellers' wife, Kim, came forward as he presented her with a red rose stating that it was going to be a long year.

Mayor Sellers called Kayla Price-Mitchell back up to the front. He stated it had been an honor and a privilege to serve with Kayla the last six years. They started on city council about the same time and they have been partners at the dais except when we each had the privilege to serve as mayor. He told Kayla he appreciated her wisdom, research, and how she always made sure that all was fair and equitable. So, as his first act as Mayor he presented Kayla Price-Mitchell with a silver coin with the City Hall printed on it for her wonderful years of dedicated service.

DISCUSSION/ACTION ON SELECTION OF MAYOR PRO TEM

Mayor Pro Tem Walker moved to nominate Councilman Oscar Aguilar as Mayor Pro Tem. Councilman Johnson seconded and the vote was unanimous.

The motion carried.

MANAGER'S REPORT

LOCUST STREET – The utility work (water, sewer, gas) is complete. Cement stabilization is complete and concrete work continues to progress from north to south. The concrete work is approximately 40% complete.

MOORE STREET - Utility work continues on Moore Street. The Capital Construction Division has completed the sewer improvements, and water improvements are now

underway. Atmos is replacing the gas main.

WASTEWATER TREATMENT PLANT - Work continues at the wastewater treatment plant. The contractor is laying the foundation for three large clarifiers and the aeration blowers.

COMPREHENSIVE PLAN - We had a very successful start to our comprehensive planning effort. Ian Lockwood and his team from Toole Design group led the 4-day planning charrette. They left with a ton of public input and some good starter ideas. The one big takeaway so far: We have got to stop sprawling; we simply cannot afford it.

CLAIMS – We did not receive any liability claims in May. We did have one fairly serious workers compensation claims. A Water and Sewer Division employee was injured while using a concrete saw. The saw kicked back and struck him in the face and neck. Thankfully the blade did not do any lasting damage. He will return to work after about 10 days.

WASTEWATER TREATMENT PLANT - Total suspended solids (TSS) came in at 2.49 mg/L, well within the limit of 10 mg/L.

REVENUES AND EXPENDITURES – Finance Director, Peter Karstens will present a year-to-date summary of revenues and expenditures.

Elsewhere around the city, employees:

- Repaired 130 potholes.
- Made 5 more extensive street repairs following utility repairs.
- Cleaned storm drains.
- Replaced 160' of collapsed storm drain at Jackson & Putman.
- Repaired all lighting at Pacific Park.
- Installed 2 new surveillance cameras.
- Assisted the County with installation of exterior lighting on the courthouse.
- Welcomed our new Community Development Director, Tory Niewiadomski.
- Repaired 5 water main ruptures.
- Replaced 10 water meters.
- Unstopped 35 sewer mains.
- Repaired 21 sewer mains.
- Washed 75,000 feet of sewer main.
- Flushed 35 dead end water mains.
- Opened the Lake Sulphur Springs flood gates for 3 days.
- Operated the raw water pumps at Cooper Lake on emergency power while repairs were made to the main breakers.
- Treated 135 million gallons of potable water.

- Changed out the flowers downtown.
- Sold 3,683 gallons of AvGas and 4,686 gallons of JetA fuel.
- Conducted 23 building inspections, 18 electrical inspections, 15 plumbing inspections, 5 mechanical inspections and issued 37 building permits.
- Responded to 108 fire/rescue calls including 2 structure fires.
- Mowed, mowed, and mowed some more.
- Made 9 arrests in the special crimes unit.
- Made 64 arrests, wrote 534 citations, recorded 60 offenses and responded to 35 accidents.
- Checked out 2,718 items from the library, and checked out 404 eBooks.

DISCUSSION/ACTION ON THE CONSENT AGENDA

Consider for approval the regular City Council meeting minutes of May 2, 2017; the special City Council meeting minutes of May 9, 2017; the City Council retreat meeting minutes of May 9, 2017; the Downtown Revitalization Board meeting minutes of May 30, 2017; and the Economic Development Corporation meeting minutes of April 24, 2017. There was no one to speak to the issue. Councilwoman Glass moved to approve the consent agenda as presented. Councilman Walker seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR THE SECOND AND FINAL READING OF ORDINANCE NO. 2701, A REZONING REQUEST BY OWNER TIM KELTY TO REZONE PROPERTY LOCATED AT 1513 AND 1527 SOUTH BROADWAY, BEING FURTHER DESCRIBED AS LOTS 8 AND 8-10 OF BLOCK 209, FROM LIGHT COMMERCIAL (LC) TO HEAVY COMMERCIAL (HC)

Community Development Director Niewiadomski presented the staff report. This property is located north of the intersection of South Broadway and Wildcat Way. It abuts property to the south that is already zoned heavy Commercial and is also owned by Mr. Kelty. The property to the west is also zoned Heavy Commercial. The area is shown on the Land Use Plan as Commercial. Staff sent 18 letters to surrounding property owners within 200 feet and received one response in favor and none in opposition. Staff recommends approval. The Planning and Zoning Commission conducted a public hearing and recommended approval. There was no one else to speak to the issue. Councilman Johnson moved to adopt the ordinance on the second and final reading. Councilman Walker seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING AS REQUIRED BY CHAPTER 312 OF THE TEXAS TAX CODE TO ESTABLISH A REINVESTMENT ZONE FOR OCEAN SPRAY CRANBERRIES AND ON THE FIRST READING OF ORDINANCE NO. 2702 DESIGNATING A CERTAIN AREA AS AN INDUSTRIAL REINVESTMENT ZONE FOR OCEAN SPRAY CRANBERRIES

Executive Director of the Economic Development Direct Roger Feagley presented the staff report. Ocean Spray is in the process of expanding its operation in Sulphur Springs. The current expansion is valued at \$5,000,000.00. One of the incentives that we have offered to all industries that expand is a tax abatement. The ordinance establishes a reinvestment zone only and does nothing more that establish the geographical boundaries of the area where a taxing entity can offer a tax incentive. Ocean Spray representative Craig Miller was also available to answer any questions. There was no one else to speak to the issue. Councilman Johnson moved to approve the ordinance on the first reading. Councilwoman Glass seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ADOPTION OF RESOLUTION NO. 1129 DIRECTING PUBLICATION OF NOTICE OF INTENT TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

Finance Director Peter Karstens presented the staff report and Mark McLiney of SAMCO Capital Markets, Inc. was available to answer any questions. This is the start of the process to issue Certificate of Obligations that are described as a part of the FY 2017 budget. It includes the \$3,000,000.00 that is in the budget for the Water and Sewer CIP (replacing water and sewer lines) for the next five years, \$600,000.00 that was added to this bond issue when the city selected the contractor for the Wastewater Plant rehab (we needed an additional \$1.1 million) and the \$242,000.00 for vehicles and equipment that were last year in the FY 2016 budget (through a budget amendment) and \$1,509,200.00 that was this year in the FY 2017 budget also for vehicles and equipment, including a new fire truck. \$123,800.00 has been added to the total making it \$5,475,000.00 which includes issuance cost as well as a small contingency for some of the items, primarily the Wastewater Plant. There was a brief discussion. There was no one else to speak to the issue. Mayor Pro Tem Aguilar moved to adopt the resolution as presented. Councilman Walker seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1130, APPROVING THE NEGOTIATED RATE SETTLEMENT RESOLVING THE 2017 RRM FILING AND IMPLEMENTING THE RATE CHANGE FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION

City Manager Maxwell presented the staff report and Jeanette Moser with Atmos Energy was available to answer any questions. Atmos Cities Steering Committee (ACSC)

Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Resolution with its attachments approving the negotiated rate settlement resolving the 2017 RRM filing, and implementing the rate change. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$2.04, or about 3.87%. The typical commercial customer will see an increase of \$6.27, or 2.37%. There was a brief discussion. There was no one else to speak to the issue. Councilwoman Glass moved to approve the resolution as presented. Councilman Johnson seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR PAVING OF SOUTH MOORE STREET

At the beginning of this item City Attorney McLeroy and Councilman Walker recused themselves from the meeting. Public Works Director Russ Nuss presented the staff report. This project includes the removal of the existing street, stabilization of the subgrade and the placement of 5” concrete street with curb and gutter and driveway approaches from Main Street to Bellview Street. Notices were sent to twelve contractors, advertised in the local newspaper and posted on-line at Quest construction Data Network. Four bids were received and are as follows:

Richard Drake Construction	\$729,272.20
Anchor Contracting	\$656,150.00
5W Contracting	\$649,172.90
Sulphur Rental	\$571,447.00

Staff recommends rejecting all bids at this time and re-bid the project due to errors made on the low bid. Acting City Attorney Jonathan Newsom pointed out the in the case of a discrepancy between the unit price and the extended total for a bid item, the unit price will prevail. The unit prices of bids that have been opened may not be changed for the purpose of correcting an error in the bid price. There was a general discussion. There was no one else to speak to the issue. Councilman Johnson moved to reject all bids and re-bid the project. Councilwoman Glass seconded and the vote was as follows:

Ayes: Johnson, Aguilar, Glass, Sellers
Nays: Froneberger
Abstain: Walker

The motion to re-bid the project carried.

DISCUSSION/ACTION ON CANCELLING THE JULY 4, 2017 REGULARLY SCHEDULED CITY COUNCIL MEETING AND CONDUCTING A SPECIAL MEETING ON JULY 11, 2017

The City of Sulphur Springs has their regularly scheduled meetings the first Tuesday of every month. This year the regularly scheduled City Council meeting will fall on Independence Day/4th of July. The City Council can cancel the regular meeting and call a special to be held the following Tuesday, July 11, if they so desire. There was no one to speak to the issue. Mayor Pro Tem Aguilar moved to move the City Council meeting to July 11th. Councilman Froneberger seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON MUNICIPAL JUDGE APPOINTMENT(S)

City Attorney Jim McLeroy presented the staff report. June 2016 it was determined by the City Council that we would enter into a contract with Justice of the Peace of Precincts 1 and 2 to fulfill the retiring judge's responsibilities through June 2017. It is time to renew the appointments and they have done an excellent job. If it is the City Council's desire, we will continue contracting with B. J. Teer and Brad Cummings. There was a brief discussion. There was no one else to speak to the issue. Councilwoman Glass moved to continue the contract for two (2) years. Councilman Walker seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BOARD APPOINTMENT TO THE (1) ECONOMIC DEVELOPMENT CORPORATION, (2) ZONING BOARD OF ADJUSTMENTS, (3) AIRPORT ADVISORY BOARD, (4) SULPHUR RIVER MUNICIPAL WATER DISTRICT BOARD, (5) LIBRARY BOARD, (6) BOARD OF TOURISM AND PROMOTION, (7) CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS, (8) PLANNING AND ZONING COMMISSION, (9) ARK-TEX COUNCIL OF GOVERNMENTS, (10) THE DOWNTOWN REVITALIZATION BOARD, AND (11) REVOLVING LOAN FUND COMMITTEE

Dr. McDearmont (ZBA alternate) cannot serve as the ZBA meetings conflict with the hospital board meetings. We have received no response from Tiffany Walker (DRB). Brandon Williams resigned from Planning & Zoning effective immediately during his mid-term. Councilman Johnson made a motion to appoint Craig English to replace Brandon Williams on P&Z and accept the list of board and commission recommendations as was discussed and submitted in the City Council packet with the exceptions noted by the City Secretary. Councilman Froneberger seconded and the vote was unanimous.

The motion carried.

Mayor Sellers read the list for the record:

2017-2018 BOARD AND COMMISSION RECOMMENDATIONS

ECONOMIC DEVELOPMENT

CLAY WALKER
TOM SELLERS

ZONING BOARD OF ADJUSTMENT

CARRIE NUCKOLLS
KEVIN MOHL
BRAD BURGIN

ALTERNATES: TONY BASSHAM

AIRPORT ADVISORY BOARD

DR. CHARLES JONES
DAVID BAUCOM

SULPHUR RIVER MUNICIPAL WATER DISTRICT

SAM JOHNSON

LIBRARY BOARD

CAROL GEE
LIZ STEINZKE

BOARD OF TOURISM AND PROMOTION

DON FAUSETT
MEREDITH CADDELL
BRADLEY EDGE

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

RICKEY PAYNE
JOHN COOPER
JEFF REDDING

PLANNING AND ZONING COMMISSION

CHUCK SICKLES
BEN SPRAGGINS
CRAIG ENGLISH

ARK-TEX COUNCIL OF GOVERNMENTS

EMILY GLASS
JOHN SELLERS
CLAY WALKER

DOWNTOWN REVITALIZATION BOARD

MIKE ELLIOTT

REVOLVING LOAN FUND COMMITTEE

JEFF FISHER
EMILY GLASS
CRAIG JOHNSON
JOHN SELLERS
MARC MAXWELL

VISITORS/PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 7:37p.m.